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Notice of Allowability	Application No.	Applicant(s)	
	10/782,567	FATEMI, MOSTAFA	
	Examiner	Art Unit	
	Charles A. Marmor, II	3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 31 March 2005 and the telephonic interview of 19 April 2005.
2. ☒ The allowed claim(s) is/are 9-13, 15 and 16.
3. ☒ The drawings filed on 19 February 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

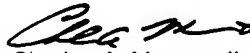
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>04192005</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |


 Charles A. Marmor, II
 Primary Examiner
 Art Unit 3736

EXAMINER'S AMENDMENT

1. This Examiner's Amendment is responsive to the Amendment filed March 31, 2005. The Examiner acknowledges the amendments to the specification; the amendments claims 13 and 15; and the cancellation of claims 1-8 and 14. Claims 9-13, 15 and 16 are pending.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Terri S. Flynn on April 19, 2005.

3. The application has been amended as follows:

Claim 15 has been amended as follows:

15. (Currently Amended) A stimulation device for stimulating hearing in a fetus in utero, the stimulation device comprising:

a first RF generator generating a first ultrasound signal at a first frequency;

a second RF generator generating a second ultrasound signal at a second frequency, the difference between the first frequency and the second frequency being in an audio frequency range;

a first ultrasound transducer electrically coupled to receive the first ultrasound signal;

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a second ultrasound transducer electrically coupled to receive the second ultrasound signal;

wherein each of the first and second ultrasound transducers are operable to convert one of the first and second RF signals to a focused beam, respectively and are positioned to direct the first and second focused beams to intersect at a position selected to stimulate the fetus;

~~a strip chart recorder;~~

~~a strip chart marker switch electrically coupled to the strip chart recorder, the strip chart marker switch being selectively activated to provide an indication to the strip chart recorder when a motion of the fetus is detected;~~

a fetal monitor probe adapted to be acoustically coupled to the fetus; and

a Doppler fetal monitor electrically coupled to receive a signal indicative of motion from the fetal monitor probe.

4. The following is an examiner's statement of reasons for allowance:

Regarding claims 9-12, no prior art of record teach or fairly suggest a method for producing a localized sound in a maternal abdomen by placing first and second ultrasound stimulation transducers on a maternal abdomen and directing each of first and second focused beams at the head of a fetus in utero in order to form a stimulation signal at the intersection of the focal points, where a resultant force at an intersection of the focal points of the first and second focused beams vibrates the middle ear of the fetus in the audio range.

Regarding claim 13, no prior art of record teach or fairly suggest a stimulation device for stimulating hearing in a fetus in utero, where the stimulation device includes a pair of RF generators; a pair of ultrasonic transducers arranged such that first and second focused beams

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respectively generated therefrom intersect at a position selected to stimulate a fetus; and a strip chart in combination with a strip chart marker.

Regarding claims 15 and 16, no prior art of record teach or fairly suggest a stimulation device for stimulating hearing in a fetus in utero, where the stimulation device includes a pair of RF generators; a pair of ultrasonic transducers arranged such that first and second focused beams respectively generated therefrom intersect at a position selected to stimulate a fetus; and a fetal monitor probe in combination with a Doppler fetal monitor.

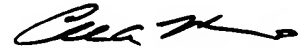
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Marmor, II whose telephone number is (571) 272-4730. The examiner can normally be reached on M-TH (7:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571) 272-4726. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Charles A. Marmor, II
Primary Examiner
Art Unit 3736

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April 19, 2005